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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,825	01/30/2002	Roderick John Scott	11696-067001	2437
26191	7590	01/23/2008		
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BAUM, STUART F	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10058825	1/30/02	SCOTT, RODERICK JOHN	11696-067001

**EXAMINER**

Stuart F.. Baum

ART UNIT

PAPER

1638

20080117

**DATE MAILED:**

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**Commissioner for Patents**

Receipt of the Reply Brief filed 11/7/2007 is acknowledged.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).Stuart F. Baum Ph.D.  
Primary Examiner  
Art Unit 1638STUART F BAUM, PH.D.  
PRIMARY EXAMINER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roderick J. Scott Art Unit : 1638  
Serial No. : 10/058,825 Examiner : Stuart  
Filed : January 30, 2002 Conf. No. : 2437  
Title : METHODS FOR MODIFYING PLANT ENDOSPERM

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
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## REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant maintains the appeal and responds to the Examiner's Answer mailed on September 11, 2007.

## Rejections Under 35 U.S.C. § 112, 2d Paragraph For Indefiniteness

### 1) Transcription Products are RNA

The Examiner stated that the claims are indefinite because it is unclear how a transcription product can be a DNA, when it is known that transcription products are RNA. Answer at page 3 last paragraph.

The Examiner has seized upon a single sentence from Applicant's Response filed November 7, 2005, to support the indefiniteness rejection. The Examiner quoted from that sentence as follows: "Therefore, the designation *Arabidopsis* Met1 sequence will always refer to the sequence of Accession No. L10692 . . ." See, e.g., Answer at page 3 last paragraph and at page 4, top paragraph. Accession No. L10692 contains a DNA sequence encoding *Arabidopsis* Met1.

The complete sentence from the Response reads as follows: "Therefore, the designation *Arabidopsis* Met1 sequence will always refer to the sequence of Accession No. L10692, despite any future hypothetical changes in abbreviation." (Emphasis added). The statement was made in the context of a discussion of the use of abbreviations and to emphasize that the *Arabidopsis*

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I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system.